

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

United States of America,)	
)	
Plaintiff,)	ORDER DENYING RENEWED
)	MOTION TO DISMISS OR STAY
vs.)	BASED ON JURY SELECTION
)	
Alfonso Rodriguez, Jr.,)	Criminal No. 2:04-cr-55
)	
Defendant.)	

Before the Court is Defendant's Renewed Motion to Dismiss or Stay based on the use of voter lists to select a juror venire panel. North Dakota's use of the list of people who voted in the last presidential election to select a jury venire does not violate the Sixth Amendment or the Jury Selection and Service Act of 1968. United States v. Greatwalker, 356 F.3d 908, 911 (8th Cir. 2004); United States v. Morin, 338 F.3d 838, 844 (8th Cir. 2003). Absent proof that Hispanic Americans face obstacles to voting in presidential elections, courts may use voter lists to select a jury venire. Greatwalker, 356 F.3d at 911; Morin, 338 F.3d at 844. In his renewed motion on this issue, Defendant has again failed to offer any proof that Hispanic Americans face any obstacles to voting. Therefore, North Dakota's jury selection plan is valid. Greatwalker, 356 F.3d at 911. Defendant's Motion is **DENIED**.

IT IS SO ORDERED.

Dated this 18th day of August, 2006.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court